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June 3, 2024

VIA ECF

Honorable Steven Tiscione, U.S.M.J.  
United States District Court Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: Carlos Guzman et al v. Bactolac Pharmaceutical, Inc., et al  
Civil Case No.: 22-CV-04651 (JMA)(ST)

Dear Judge Tiscione:

We represent Defendant Choice Long Island, Inc. (“Choice”) in connection with the above-referenced action. All parties to this action jointly submit this status report. On November 22, 2022, Judge Joan M. Azrack granted Bactolac Pharmaceutical, Inc.’s (“Bactolac”) and Choice’s request to stay this action “pending resolution of the parallel state action (Index No. 602277/2021).” *See* Order Dated November 22, 2022. As an update, Bactolac and Choice have both perfected their respective appeals to the NY Appellate Division, Second Department (Docket No.: 2022-07889). Briefs for Defendant-Appellants Choice and Bactolac were filed on June 29, 2023. Plaintiffs-Respondents’ Brief was filed on July 28, 2023. Reply Briefs for Defendant-Appellants Choice and Bactolac were filed on August 28, 2023. The parties provided a status update to the Court on December 1, 2023 (Document #28) indicating that The Second Department had not yet scheduled oral argument and had not issued a decision. In response, an Order by the Court was entered setting a deadline of June 3, 2024 to provide an updated Status report. *See* Order Dated December 4, 2023. Per the Court’s December 4, 2023 Order, the parties attest that The Second Department has not yet scheduled oral argument and has not issued a decision and that the parties will update the Court when the Second Department issues a decision.

Honorable Steven Tiscione, U.S.M.J.

June 3, 2024

Page 2

Thank you for Your Honor's attention to this matter.

Respectfully submitted,



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CC: All Counsel (Via ECF)

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